Applicant wishes to thank Examiner Lewis for the courtesy of a telephone interview conducted on September 26, 2006, where claims were discussed with respect to 112 second paragraph, and where the Snyder (6,038,561) reference was discussed with respect to query formatting. Applicant believes the instant submission is a complete response to the Examiner's Action of August 23, 2006.

RESPONSE TO REJECTIONS

Response to rejection under 35 USC 112, second paragraph

Claims 1, 9, 22 and 35 have been rejected under 35 USC 112, second paragraph. In the office action of August 23, 2006, the Examiner asked a two-fold question regarding the nature of unformatted text and data, and regarding what processes the claimed methods perform upon the unformatted text and data.

For clarification purposes only, in claim 22, the term "unformatted data" was replaced with "data."

In answer to the Examiner's question, "unformatted text" is intended to include any keyboard characters in any arrangement, not requiring any predetermined format. The term, "data" is a broader term than "unformatted text", but nonetheless includes unformatted text, in that unformatted text is one kind of data. Because the claims recite "unique identifiers and unformatted text" or "unique identifiers and data", the "unformatted text" and "data" are present in addition to the unique identifiers. This is generally described on pages 12-13 of the specification. For instance, an email message, such as that of Figure 4, containing patent numbers ("unique identifiers") and other keyboard characters representing words, sentences, or punctuation ("unformatted text" or "data") is one example of the claim language "unique identifiers and unformatted text" and "unique identifiers and data"; wherein the patent numbers are the "unique identifiers" and all the other characters are

collectively "unformatted text" or simply "data." Another example is described on page 10, lines 5-8, of the specification, which refers to the entire text of a patent, wherein a patent contains words, sentences, punctuation, numbers, whitespace, and other keyboard characters such as slashes, asterisks, etc. (unformatted text, data) in addition to uniquely identified patent numbers (unique identifiers). As used herein, "data" requires no predetermined format. Similarly, "unformatted text" requires no predetermined format.

Depending upon whether a server or client computer performs the parsing step, the "unformatted text" or "data" may also include additional characters known in the art as "URL encoding." URL encoding generally occurs when HTML form data is submitted via a web browser and received by a web server. The effect of URL encoding generally appears as the addition of characters such as "+", "&", "%", as well as alphabetical letters and numbers that substitute for whitespace, slashes, carriage returns and other keys on the keyboard. Execution of the parsing step by a client computer will generally not encounter the additional data of URL encoding because URL encoding will not take place. URL encoding is transparent to the user and only represents some of the "unformatted text" and "data" that the server-based parser may encounter. As will be discussed below, the affirmative matching criteria performed by the parser is agnostic to being performed by client or server because all "unformatted text" and "data" is "ignored" or "passed-over" by the parser.

As described in the specification and acknowledged by the Examiner, the parsing step employs selected criteria to identify "unique identifiers". The Examiner asserts that the claims are silent as to the processing steps carried out with respect to the unformatted text and data; implying that such processing steps are necessary, and that they have been left out. Applicant respectfully disagrees.

The claims do affirmatively recite the steps necessary to perform the invention. There are no specific processing steps recited in the claims with respect to "unformatted text" and "data" because the parser "ignores" the "unformatted text" and "data." The affirmative matching criteria employed by the parser identifies "unique identifiers." Patterns that are not identified as unique identifiers are "ignored." This affirmative matching criteria permits the input of extraneous data, unformatted text, additional numbers, whitespace and/or any keyboard characters in any arrangement because the parser is programmed to "ignore" all but unique identifiers. The same holds true in both server and client parsing. This represents a distinct advantage to the user because the user need not remove or otherwise "clean up" any unformatted text or other non-unique-identifier data. Applicant believes that claims are not required to recite steps that are not performed and respectfully requests that this rejection be withdrawn.

Interview of September 26, 2006

In the interview of September 26, 2006, the Examiner explained that the USPTO is requiring claims in the computer arts to have a "tangible result." The Examiner also communicated to Applicant that Applicant's claims should be amended to include a "tangible result." Independent method claims 1, 9 and 35 were amended with the language "wherein the files identified by the unique identifiers are delivered to a user" or "wherein the items identified by the unique identifiers are delivered to a user" to satisfy this requirement. Additional amendments were made to the independent claims to clarify the invention at the Examiner's request. These amendments include addition of the term "string" in claim 1; addition of the phrase "wherein identifying includes matching based on selected criteria" in claims 1, 9, 22 and 35; addition of the phrase "uniquely identify" in claim 1; and addition of the phrase "unique items" in claims 9, 22 and 35. Applicant has made these amendments to clarify the

invention, further prosecution, and put the claims into condition for issuance. These amendments were not made to distinguish over any prior art of record.

Response to rejection under 35 USC 102(e)

Claims 1-47 have been rejected under 35 USC 102(e) over Snyder (6,038,561). Applicant respectfully disagrees with this rejection for the following reasons. Applicant believes the Examiner has not presented a *prima facie* case of anticipation over Snyder.

The Examiner relies upon several columns of text to reject the claims without specifically pointing to elements in the reference that recite the elements claimed. Specifically, the Examiner has not pointed out what element in the Snyder reference corresponds to the instantly claimed "unique identifiers." Since unique identifiers are a central aspect of the invention, every claim in the instant application recites the phrase "unique identifiers." However, since the Examiner has not pointed to this element in Snyder, Applicant asserts that a *prima facie* case has not been presented for any claim. However, in order to further prosecution, Applicant submits the following response, *in arguendo.*

The invention disclosed by Snyder is a patent analytics method, whereby a user can compare patents to each other by performing a "concept query", a "patent query", a "claim query", or a "range query." In the analytical method called "patent query", a user can analyze all members of a database against the patent of interest. This is described beginning at column 26, line 34 through column 27, line 12; and illustrated in figures 10A-D. As seen in figure 10A at 1002, the user enters a patent number of interest in box 1002. This single patent will be analyzed against other database members by the Snyder analytic software. Column 26, lines 34-45 of the specification states:

> "The patent query allows the user to draw comparisons between a single patent and all other patents in the dataset. If the dataset is a single dataset, i.e., not a split dataset, the patent query will compare the selected patent to all of the patents in the selected dataset. If the selected dataset is a Split dataset (having two data groups), the selected patent is compared just to the group of patents that it is not in.
>
> The patent query entry screen depicted in FIG. 10A enables the user to enter the number of a patent contained in the database of patents. The system will analyze all members of the database of patents against the patent entered." *(underlining added).*

Claims 1-47 differ from Snyder's patent query in several ways. One difference is that only one patent number is entered into Snyder's patent query. This is necessary in Snyder because the goal is to compare a particular patent to other patents in a dataset. Furthermore, Snyder's software could not handle the entry of more than one patent number for the same reason: it compares a single patent to a dataset. In other words, Snyder does not contemplate entry of more than one patent number into the request box 1002 of FIG.10A. The instant claims, however, recite a request comprising plural "unique identifiers." User entry of plural unique identifiers is absent in Snyder. Furthermore, Snyder teaches away from the instant claims because Snyder is necessarily limited to a single patent query starting point.

Another difference between Snyder and claims 1-47 is that in Snyder's patent query, entry of a patent number (e.g. box 1002 of FIG 10A) by the user results in many hits being returned (the hits are patents similar to the queried patent, see FIG 10B at 1013). Whereas in the instant claimed invention, user entry of, for example, three patent numbers would result in delivery of three patent documents; namely, the three patents requested by the user AND NOT patents merely similar to or related to the requested patents. This aspect is set forth in the claims with the language "electronic files identified by the unique identifiers." In the claims, the phrase "identified by" is not equivalent

to the phrase "similar to" or "related to." As is known in the art, every patent has a unique identification number known as the patent number. Only one patent is identified by a patent number. While patents can be related to each other by family, by subject matter or by classification, among other things, a patent is uniquely identified by its patent number. In other words, there is a 1:1 relationship between a patent unique identifier and the patent itself. In Snyder, however, there is a one to many relationship between a patent number and the results of a query. Because of this, Snyder's patent query does not anticipate "electronic files identified by the unique identifiers."

To further clarify this distinction, a specific example of unique identifiers which identify electronic files are the unique identifiers "6211568", "6673321" and "5634495" which uniquely identify "6211568.pdf", "6673321.pdf" and "5634495.pdf". Because "6211568", "6673321" and "5634495" uniquely identify "6211568.pdf", "6673321.pdf" and "5634495.pdf", respectively, three files will be delivered as a result of a user requesting "6211568", "6673321" and "5634495," in the claimed invention. Applicant asserts that this example is presented for illustration purposes only and is not intended to limit the scope of the claims in any way.

Another difference between Snyder and claims 1-47 is that Snyder does not disclose nor contemplate a patent query employing "unique identifiers and data" nor "unique identifiers and unformatted text" as recited in the instant claims. Snyder's software is not built to handle anything other than a single patent number. Snyder's software does not handle patent queries containing any additional data or data including unformatted text, such as an email message. One cannot paste an entire email message into box 1002 of FIG 10A of Snyder and get a meaningful result. One cannot paste even two patent numbers into Snyder and get a meaningful result. In other words, to utilize

Snyder's analysis software, the user must enter only a patent number. In striking contrast to instant invention, Snyder's analytic software does not permit plural "unique identifiers," nor "unique identifiers and unformatted text" nor "unique identifiers and data" to be entered by the user. Because Snyder does not teach the claimed invention Snyder cannot anticipate.

A further example of the difference between Snyder and the invention claimed herein is the handling of unformatted text and data in a request. As mentioned above, Snyder cannot accommodate an entire email message as a user request in box 1002 of FIG. 10A. Along the same lines, Snyder's patent query cannot parse and identify the patent numbers in a string such as "9^&@--8 dear joe, please get 5,734,995 and 5,241,977 and have a nice weekend HU/?\ |TG^&* (*5%# 00$&*!". In the instant invention, the parser identifies unique identifiers by matching based on selected criteria. Snyder does not perform this step.

With respect to dependent claims 2, 3, 10, 11, 23, 24, 36, and 37, Snyder does not teach "querying a user to order the files identified by the selected unique identifiers" nor "querying a user for delivery method of the files identified by the selected unique identifiers." Because Snyder does not teach the claimed invention Snyder cannot anticipate.

With respect to claims 4, 12, 25 and 38, Snyder does not teach electronic delivery of files as a bundle. Because Snyder does not teach the claimed invention Snyder cannot anticipate.

With respect to claims 5, 13, 26 and 39, Snyder does not teach receiving in a browser window a text request selected from another window. Because Snyder does not teach the claimed invention Snyder cannot anticipate.

With respect to claims 7, 18, 31 and 44, Snyder does not teach a parsing step executed by a client computer. Because Snyder does not teach the claimed invention Snyder cannot anticipate.

With respect to claims 15, 28 and 41, Snyder does not teach the claimed methods wherein items are consumer products. Because Snyder does not teach the claimed invention Snyder cannot anticipate.

With respect to claims 21, 34 and 47, Snyder does not teach a request comprising an image. Because Snyder does not teach the claimed invention Snyder cannot anticipate.

CONCLUSION

For the reason stated above, Applicant believes claims 1 - 47 are patentable. Applicant respectfully requests withdrawal of all rejections and issuance of claims 1 - 47.

Respectfully submitted,
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